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7 DENNIS RUTHERFORD, et al.,  
8 Plaintiffs.  
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10 v.  
11 PALO VERDE HEALTH CARE  
12 DISTRICT, et al.,  
13 Defendants.  
14

Case No. [14-mc-80326-JCS](#)

**NOTICE OF REFERENCE; ORDER  
DENYING MOTION TO COMPEL;  
ORDER TO MEET AND CONFER AND  
FILE JOINT LETTER**

Re: Dkt. No. 1

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13 TO ALL PARTIES AND COUNSEL OF RECORD:

14 The above matter has been reassigned to Magistrate Judge Joseph C. Spero for resolution  
15 of the Motion to Compel Production of Documents (the "Motion") [Docket No. 1], and all further  
16 proceedings.

17 IT IS HEREBY ORDERED that the Motion is DENIED for failure of counsel to  
18 adequately meet and confer. IT IS HEREBY FURTHER ORDERED that lead trial counsel for  
19 Dr. Steve Maron and Defendants shall meet and confer **in person** no later than **December 12,**  
20 **2014.** In the event that counsel are unable to resolve the matters at issue in the Motion, lead trial  
21 counsel shall provide a detailed Joint Letter to the Court within five (5) calendar days of their  
22 meet-and-confer session. This Joint Letter, not to exceed ten (10) pages without leave of Court,  
23 shall include a description of every issue in dispute and, with respect to each such issue, a detailed  
24 summary of each party's final substantive position and its final proposed compromise on each  
25 issue. Upon the filing of the Joint Letter, the Court will determine what further proceedings will  
26 be necessary.

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**LAW AND MOTION HEARING PROCEDURES**

28 Civil law and motion is heard on Friday mornings, at 9:30 a.m., Courtroom G, 15th Floor,

1 United States District Court, 450 Golden Gate Avenue, San Francisco, California, 94102.

2 In the event a future **discovery dispute** arises, IT IS HEREBY ORDERED that before  
3 filing any discovery motion before this Court, the parties must comply with the following:

- 4 1. Lead trial counsel for both parties must meet and confer *in person* regarding the  
5 matter(s) at issue. This meeting shall occur after other efforts to resolve the  
6 dispute, such as telephone, e-mail, teleconference, or correspondence, have been  
7 unsuccessful. Once those efforts have proved unsuccessful, any party may demand  
8 a meeting of lead trial counsel to resolve a discovery matter. Such a meeting shall  
9 occur within ten (10) calendar days of the demand. The locations of the meetings  
10 shall alternate. The first meeting shall be at a location selected by counsel for  
11 Plaintiff(s). If there are any future disputes, the next such meeting shall be held at a  
12 location to be determined by counsel for Defendant(s), etc.
- 13 2. Within five (5) calendar days of the in-person meeting between lead trial counsel  
14 referred to above, the parties shall jointly file a detailed letter with the Court, not to  
15 exceed five (5) pages without leave of Court, which will include the matters that  
16 remain in dispute, a detailed substantive description of each side's position on each  
17 such issue, and a description of each side's proposed compromise on each such  
18 issue. In the absence of permission from the Court, the letter may not exceed five  
19 (5) pages.
- 20 3. After the Court has received the joint letter, the Court will determine what future  
21 proceedings, if any, are necessary.

22 In the event that the parties continue to be unable to resolve the matters regarding the  
23 timing and scope of discovery, the Court will consider what future actions are necessary. These  
24 actions may include the following: (1) sanctions against a party failing to cooperate in the  
25 discovery process and meet and confer in good faith, as required by this Order, the Federal Rules  
26 of Civil Procedure, and the Local Rules of this Court; and/or (2) requiring the Chief Executive  
27 Officers of each party to attend the in-person, meet-and-confer sessions described above. The  
28 Court is not entering either of these matters as an Order of the Court at this time, and fully expects

1 counsel to meet their obligations under this Order and under the Local Rules.

2 Regardless of whether the Court reschedules a hearing date, all opposition and reply papers  
3 shall be timely filed according to the originally noticed hearing date, pursuant to Civil L. R. 7-3.

4 A party or counsel has a continuing duty to supplement the initial disclosure when required  
5 under Fed. R. Civ. P. 26(e)(1).

6 All filings of documents relating to motions referred to the undersigned shall list the civil  
7 case number and the district court judge's initials followed by the designation "(JCS)".

8 **ELECTRONIC FILING AND COURTESY COPIES**

9 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of  
10 California for information relating to electronic filing procedures and requirements.

11 **BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC**  
12 **FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE**  
13 **PAPER COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S**  
14 **CHAMBERS' COPY."**

15 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to  
16 Fed. R. Civ. P. 16(f).

17 **IT IS SO ORDERED.**

18 Dated: December 8, 2014

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JOSEPH C. SPERO  
21 United States Magistrate Judge  
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